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Application No. 04 020 054.5 - 2302	Ref. B3011001EPP00Sv	Date 01.02.2006
Applicant The Bradbury Company, Inc.		

**Communication pursuant to Article 96(2) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).**



Forciniti, M  
Primary Examiner  
for the Examining Division

Enclosure(s): 3 pages reasons (Form 2906)



Bescheid/Protokoll (Anlage)		Communication/Minutes (Annex)		Notification/Procès-verbal (Annexe)	
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The examination is being carried out on the following application documents:

**Description, Pages**

1-42 as originally filed

**Claims, Numbers**

1-37 as originally filed

**Drawings, Sheets**

1/21-14/21 as originally filed

15/21-21/21 received on 09.12.2004 with letter of 09.12.2004

1. The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

**D1:** EP-A-0 865 839 (BETR FORSCH INST ANGEW FORSCH) 23 September 1998 (1998-09-23)

**D2:** DE 101 32 105 A (SMS DEMAG AG) 8 August 2002 (2002-08-08)

2. **Claims 1, 11, 14, 21 and 29** have been drafted as separate independent claims.

Under Article 84 in combination with Rule 29(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application however, for the following reason(s):

- 2.1 All before-mentioned independent claims relate to the detection of levelling defects of a strip material by means of a sensor which sensor generates an electrical signal accordingly.



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Hence it is possible to reformulate only one single independent claim per category. Further developments of the subject-matter of such claims as e.g. the number of sensors, the kind of defect detected or the step of certification etc. can be covered by additional dependent claims.

- 2.2 The applicant is requested to file an amended set of claims which complies with Rule 29(2). Failure to do so, or to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, will lead to refusal of the application under Article 97(1) EPC.
- 2.3 Taking this objection into account the following detailed substantiative examination has been carried out only for the first independent claim in each category and the claims depending thereon, namely **claims 1 to 10 and 29 to 37**.
3. The subject-matter of **claim 1** is not new in the sense of Article 54(1) and (2) EPC.

3.1 Document **D1** discloses:

A method of levelling strip material (5), the method comprising:  
moving the strip material (5) past a first sensor (29) and a second sensor (30); receiving a first plurality of readings from the first sensor (column 5, line 6 to 11); receiving a second plurality of readings from the second sensor (column 5, line 6 to 11); detecting a levelling defect based on a difference between the first plurality of readings and the second plurality of readings (column 5, line 6 to 11); and generating an electrical signal to cause a leveller work-roll (7, 18, 19) adjustment in response to detecting the levelling defect (see figure 2 and 3).

4. The subject-matter of **claim 1** is also not new with respect to document **D2** (figure 1 and 2) (Article 54(1) and (2) EPC).
5. The subject-matter of **claim 29** is not new in the sense of Article 54(1) and (2) EPC.

5.1 Document **D1** discloses:

An apparatus to level a strip material (5), the apparatus comprising:

a leveller roller (7, 18, 19) structured to level a strip material;  
a first sensor (29) positioned to measure a levelling defect associated with the strip material;  
a second sensor (30) positioned to measure a levelling defect associated with the strip material; and



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a controller operatively coupled to the leveller roller (7, 18, 19), the first sensor, and the second sensor, the controller to generate an electrical signal in response to detecting the levelling defect (column 5, line 6 to 11).

6. The subject-matter of **claim 29** is also not new with respect to document **D2** (figure 1 and 2) (Article 54(1) and (2) EPC).
7. Dependent **claims 2 to 10 and 30 to 37** do, with regard to documents **D1** (figure 2, 3 and 5) and **D2** (figure 1 and 2), not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and inventive step, the reasons being as follows:
8. Furthermore the following has to be taken into account:
  - 8.1 Documents **D1** and **D2** should be identified in the description and be briefly discussed (Rule 27(1)(b) EPC).
  - 8.2 Independent **claims 1 and 29** should be redrafted in the correct two part form with respect to document **D1** (Rule 29(1)(a)(b) EPC).
  - 8.3 The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 29(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.11).